

**WEST VALLEY CITY  
PLANNING COMMISSION  
MINUTES**

**April 9, 2008**

The meeting was called to order at 4:02 p.m. by Chairman Harold Woodruff at 3600 Constitution Boulevard, West Valley City, Utah

**WEST VALLEY CITY PLANNING COMMISSION MEMBERS**

Harold Woodruff, Brent Fuller, Jack Matheson, Terri Mills, Phil Conder,  
and Jason Jones

**ABSENT:**

Dale Clayton and Mary Jayne Davis

**WEST VALLEY CITY PLANNING DIVISION STAFF**

John Janson, Frank Lilly, Steve Lehman, Hannah Thiel, Ron Weibel, and  
Nichole Camac

**WEST VALLEY ADMINISTRATIVE STAFF:**

Nicole Cottle, Deputy City Attorney

**AUDIENCE**

Approximately eighteen (18) people were in the audience

## **ZONE CHANGE APPLICATION:**

**Z-3-2008**

**L. Thad and Judith Bangerter  
6536 West 3270 South  
A Zone to R-1-8 Zone**

The applicants, Thad and Judith Bangerter, request that a roughly 2 foot by 224 foot (521 square foot) portion of their 5.8 acre parcel be rezoned from A to R-1-8. The portion adjoins a parcel zoned R-1-8 to the north that is also owned by the applicants. The newly zoned property will provide the applicants with enough area to subdivide the northern parcel into two residential lots.

The remaining portion of the 5.8 acre parcel is to remain in the A zone.

The applicants proposed minor subdivision will require the extension of 6536 West, an existing stub street. Although the extended street will be 223 feet in length, the West Valley City Fire Marshal does not object to the proposed extension and will not require a turnaround. When the 5.8 acre parcel is developed in the future, the stub street will connect with Gala Way (3360 South), an existing stub street in the Celebration #4 subdivision.

The rezone will facilitate residential development that is consistent with the existing uses along 3270 South.

The subject parcel is currently designated as “large-lot residential” on West Valley City’s General Plan map. The proposed minor subdivision is currently designated “low density residential” on the General Plan Map.

### **Staff Alternatives**

1. **Approval.** The proposed rezone will not have significant land use implications for the neighborhood. The addition of two houses along 3270 is consistent with the street character.
2. **Denial,** on the grounds that the proposed extension of 6536 West would exceed the maximum 180 feet allowed for a stub street.
2. **Continuance,** pending additional information and further review from the Planning Commission.

**Applicant:**

Thad and Judith Bangerter  
4433 West 3100 South  
West Valley City, UT 84120

**Representing Applicant:**

Paul Watson  
12439 S. Doreen Dr.  
Riverton, UT 84065

**Opposed:**

Leo Ellis  
3286 S. 6500 W.  
West Valley City, UT 84120

**Discussion:** Frank Lilly presented the application. Leo Ellis, a neighbor bordering the property, explained that he has an alfalfa field that may be impacted by this change. He stated that he would like an enclosure placed between the properties that is more sufficient than the existing chain-link fence. Chairman Woodruff explained that there is nothing in the West Valley City ordinance that addresses the need to require fencing for this type of application. Frank Lilly agreed and added that this phase of the application is the zone change portion and the applicant will need to return to the Planning Commission with site plans and designs in the future. Mr. Ellis expressed concern about dust and noise negatively affecting his property. Chairman Woodruff explained that all the ordinances must be obeyed regarding these potential problems.

Paul Watson, the engineer representing the applicant, explained that most of the land will still be kept agricultural and the applicant will likely come back in a year or two to develop the portion being rezoned. Mr. Watson also explained that the applicant will adhere to dust control ordinances as well as the Clean Water Act and Clean Air Act, etc.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

**Motion:** Commissioner Conder moved for approval

Commissioner Fuller seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Jones	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

**Unanimous – Z-3-2008– Approved**

**SUBDIVISION APPLICATION:**

**PUD-1-2007**

**The Edge at Decker Lake - Amended  
3000 South Decker Lake Drive**

**RM Zone**  
**304 Units**

**BACKGROUND**

Tim Soffe, representing Miller Development, is requesting an amendment to The Edge at Decker Lake Condominiums. The proposed amendment would allow apartment living as opposed to home ownership.

**ISSUES:**

In July 2006, the subject property was rezoned from the Manufacturing Zone to the RM Zone. During the rezone hearing, Planning Commissioner's cited a number of reasons to change the land use classification from manufacturing to residential. The following were mentioned:

1. The property is near a planned light rail station.
2. The property is adjacent to a major employment center.
3. Development of this property would have good access to the entertainment area immediately to the south.
4. The text of the General Plan encourages mixed use centers near light-rail stops.

As part of the rezone application, a development agreement was required. The development agreement was approved to set forth various provisions to guide the residential project. One such provision reads:

All dwelling units constructed on the property shall be developed as for sale product, owner occupied units and not rental housing.

The Planning Commission reviewed and approved the development agreement. This agreement was then sent to the City Council. The Council approved the zone change as well as the development agreement. The development agreement has been signed by the City and developer and recorded with the County.

Over the last year and a half, the developer has coordinating this project with staff and various agencies. In conjunction with approvals from the Planning Commission and City Council, the review of the subdivision plat and site plan are near complete. As members of the Planning Commission know, this site has not been without its challenges. Issues regarding the future light rail station, power corridor, overflow parking within the power corridor and storm drain easements have made for a challenging review. However, at the present time, all of these issues have been resolved to the satisfaction of the City.

A few weeks ago, the developer approached staff about the possibility of modifying the approved conditional use. The developer hinted at changing the

use of this project from condominium ownership to apartments. The developer explained that market conditions have not been favorable for condominium developments. Mr. Soffe explained that financing for the condominium project was withdrawn by the property owner's financial institution.

The developer explained to staff and to the Planning Commission that because the rental market is strong, the bank would be willing to fund an apartment project if approved by the City. What complicates the bank's suggestion is that the property was rezoned with a provision requiring home ownership and not rental units. In order to make this kind of change, the developer would be required to modify both the conditional use application and development agreement.

In order to provide the Planning Commission with as much information as possible regarding this request, staff invited the developer to the Planning Commission study session. During that meeting, the Planning Commission outlined several concerns regarding the potential change in use. The developer was not able to complete putting this information together for the packet. However, this information will be available during the pre-meeting.

During the study session, staff was also asked a question about the potential parking difference between the two types of housing. According to the 3<sup>rd</sup> Edition of the Institute of Transportation Engineers Parking Generation, parking demand for a suburban condominium is 1.46 vehicles per unit. The parking demand for a low to mid-rise apartment is 1.20 vehicles per unit. The condominium development was approved with 1.7 spaces per unit.

#### **STAFF ALTERNATIVES:**

- A. Approve the proposed amendment to The Edge at Decker Lake PUD to allow apartment living as opposed to owner occupied units subject to the following conditions:
  - 1. That all of the original conditions of approval be followed.
  - 2. That the developer participate in the City's Good Landlord Program.
  - 3. That safety measures discussed with the City's Police Chief be incorporated into this project.
  - 4. That the development agreement be modified by the City Council.
- B. Denial of the proposed amendment as owner occupied units will provide the stability and longevity of residents to help support light rail, employment and shopping in this area of the City. (This alternative would likely result in the applicant submitting a new conditional use application)

- C. Continuance to allow more discussion regarding the application.

**Applicant:**

Tim Soffe  
5151 S. 900 E.  
Salt Lake City, UT 84102

**Discussion:** Steve Lehman presented the application. He reiterated the problems in the development agreement and the issues surrounding this amendment as previously discussed in the Study Session and explained the parking space impact that staff researched. Commissioner Conder questioned what Mr. Lehman meant in staff condition number one. Mr. Lehman replied that he intended it to state that all the original conditions must be met as recorded in the final plat review. Commissioner Conder asked how many parking spaces there are per bedroom in the apartments. Steve Lehman explained that there is flex space in the units. These proposed apartment complexes are considered to be 2 and 3 bedroom units because the flex space isn't used as an office or den. Miller Development previously stated that they needed the parking in order to sell the units when they were owner occupied.

The applicant, Tim Soffe, asked if the supplemental information he provided was adequate. Chairman Woodruff stated that the Planning Commission found the packet interesting and questioned if the numbers are based on an existing project. Mr. Soffe explained that his organization combined 9 different projects and averaged them. Commissioner Jones requested that the applicant address the comparability of the 9 projects. Mr. Soffe explained that the mix is quite similar with the exception that there may be a higher number of one bedrooms because this project is a PUD next to Trax.

Commissioner Conder stated that he calculated the absorption rate and stated that different price ranges of condos have different standings in the market. Mr. Soffe agreed and stated that condos on the whole are just not selling. He explained that the majority of the people that will be renting these apartments will likely fall into the middle income range with the exception of a small percentage of upper income range people who enjoy the lifestyle of apartment living. Mr. Soffe added that he spoke with Keith Bradshaw of Granite School District and stated that Mr. Bradshaw said he encouraged these developments because higher enrollment in schools leads to the building of new elementaries.

Commissioner Matheson asked if there would be a change in the fencing. Mr. Soffe replied that there wouldn't. Commissioner Matheson asked about landscaping on I-215. Mr. Soffe stated that Miller Development is precluded from landscaping or accessing I-215. He explained that some buildings were adjusted and moved toward the east but not the full distance because Miller Development wanted to keep the open waterway which is only hidden where the road is located.

Commissioner Matheson questioned if the wetlands would remain the same. Mr. Soffe replied that they would. Commissioner Matheson asked what amenities are being changed and Mr. Soffe replied that all the original amenities will remain and the main goal is to preserve the same community as much as possible. Commissioner Matheson asked if there would be any additional traffic trips per day. Mr. Soffe stated that he is not an expert or engineer but his opinion would be no. He added that he would however assume that with more cars parked, there might be more average trips. Mr. Soffe stated that some access problems weren't resolved and various measures are being taken to fix these concerns.

Commissioner Jones asked if there is access to 3100 South. Mr. Soffe showed two different ways to access 3100 South on the projector map. Commissioner Jones stated that with these apartments, the length of stay becomes less certain. Mr. Soffe replied that it's hard to determine the average length of stay because there are always many different variables that must be considered. He gave an example that families with children tend to stay longer so their children aren't forced to leave school. Commissioner Jones asked if there are any crime studies between apartments and condominiums. Tim Soffe gave an example of a similar project in Salt Lake City and explained that it, like this proposed site, took a preemptive strike against crime by hiring off duty police officers to enhance the security of the location. Mr. Soffe replied that this has been successful and there has been no reported vandalism or thefts in the community.

Commissioner Conder expressed his frustration that Mr. Soffe originally stated reasons why condominiums were so much better than apartments and is now changing his argument. Tim Soffe replied that the owner occupied program had a lot of great benefits. He stated that everyone was in agreement that this property is not meant for a manufacturing use because it is much more suited to a high density residential property. Mr. Soffe admitted that owner occupied condos were an amazing deal that would be been extremely successful. This decision, he explained, is based solely on the state of the market and the fact that there is no bank that will financially back a condominium project. He stated that there are multiple advantages and disadvantages of apartment complexes but it will be well maintained. Commissioner Conder stated that often good management sells and the community is negatively impacted when weaker management takes over. Commissioner Conder said that it's a reality that things sell over time and no one knows who will be managing these apartment complexes down the line. Mr. Soffe replied that this project is long term and Miller Development has never sold a project. He stated that the company is continually adding to their portfolio and that this is a cash flow business that has no intent to sell.

Commissioner Jones asked if there is any study or comparison on the balance within the City on owner occupied condos versus apartment units. Steve Lehman replied that there is no balance as far as he knows with the exception that the east side of the City is more developed than the west. John Janson stated that this information can be obtained from the general plan and other sources. He

explained that there is a different balance within this area of the City than different locations.

Commissioner Fuller questioned if there is any solid proof that the City's Good Landlord Program has made a difference. Steve Lehman stated that as far as he knows, the program is too new to have proven itself yet. Nicole Cottle explained that there is documented effect in one area with a decrease in police calls, etc. Ms. Cottle explained that the requirements are so stringent that the project being on the program should help make it a success. Commissioner Fuller questioned if the applicant could leave the program if they choose. Nicole Cottle stated that because this is a conditional use, the Planning Commission can require the applicant to join the program and stay on it.

Commissioner Matheson stated that when the Planning Commission originally looked at the zoning for this particular location they were all in agreement that they didn't want this property to be manufacturing. An RM zone doesn't specifically state whether it can be owner occupied or rental units. Commissioner Conder stated that he agreed and added that if this application had originally been apartments, it would not have been approved.

Terri Mills stated that the decision is difficult but added that she likes this development. She felt that it would have been a nice place to purchase and live. Commissioner Mills added that she would like to see stats and comparisons to determine if there will be any negative impact on the area. Commissioner Mills added that she agrees with Commissioner Matheson that this was originally a nice change to residential but is now faced with disappointment. Commissioner Jones added that he is interested in statistics as well, including crime rates. Chairman Woodruff stated that those records aren't really available. Steve Lehman added that there may be access to police records but questioned the relevance.

Commissioner Fuller stated that he always opposed larger units like this but feels the applicant has taken care of the things he was concerned with. Commissioner Fuller stated that children and education has always been a concern but he isn't sure that any stats can be provided showing any variance between condominiums and apartments. Commissioner Conder agreed and expressed his concern about this project and its evolution in the future. Commissioner Matheson added that if more children live in these apartments, it may encourage Granite School District to build another school to avoid overcrowding.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

**Motion:** Commissioner Jones moved for continuance to gather more information regarding this change and its impact on the environment.

No one seconded the motion. Chairman Woodruff called for another motion.

**Motion:** Commissioner Matheson moved for approval subject to the four staff conditions and adding a recommendation that the applicant adhere to the original site plan and resolve any design issues associated with it.

Commissioner Fuller seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Jones	No
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

**Majority – PUD-1-2007– Approved**

**SV-5-2008**

**Homer Street – (From Market Street to the Library, 3610 South)**

**BACKGROUND**

West Valley City is requesting a street vacation for Homer Street, an improved stub road located at 3610 South just to the west of Market Street. This road currently accesses the apartments located on the north and south sides of the street as well as the Library to the west. Homer Street is a 50' wide street and is about 150' long. The City is in the process of vacating Market Street also.

The request, submitted by West Valley City, is to vacate the street due to the anticipated bus hub, plaza, and tail track for the light rail station to be located in the area. An informational neighborhood meeting was held on April 2 to discuss this vacation as well as the plans for the Intermodal Center to located in this area. About 30 people attended. If vacated, this property would most likely become a portion of the bus hub and therefore, UTA property. Anticipated demolition of the housing in the area is during the summer. The street will be kept open until after the apartments are vacated. The street vacation is necessary for the transit improvements to function effectively.

According to City ordinance, streets and/or alley vacations shall be reviewed by the Planning Commission with a recommendation to the City Council.

**RECOMMENDATION**

1. Approval of the Homer Street vacation because the street is destined to be incorporated into the Intermodal Hub.

2. Continue the application due to issues raised at the public hearing.

**Applicant:**

West Valley City

**Discussion:** John Janson presented the application. Commissioner Matheson questioned if there would be any loading/unloading of people on the train tracks at the point where the tracks turn south. John Janson stated that there wouldn't be. He explained there is a solid section of track with a hard surface at the turn and as the train straightens out, the system returns to the ballasted track design and end at the location where trains will wait and be stored. Commissioner Matheson asked if there is any guarantee on the sunshade's and explained that this location can receive high winds. Mr. Janson stated that he believes there is a 10 year manufacturer guarantee and added that these shade's will be taken down during the winter so that may increase their longevity.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

**Motion:** Commissioner Fuller moved for approval.

Commissioner Conder seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Jones	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

**Unanimous – SV-5-2008– Approved**

**CONDITIONAL USE APPLICATIONS:**

**C-11-2008**

**Condie Apartments**

**4175 South 4800 West**

**Multi-Family Residential Zone, 1.31 acres**

**Staff Presentation by Hannah Thiel, Planner I**

**Background**

Jeff Condie is requesting a conditional use approval for three apartment buildings located at 4175 South 4800 West. This project has 12 new dwelling units proposed of approximately 925 square feet of living space each. The project also has three existing

fourplex buildings and six existing duplex buildings. There are a total of 36 units proposed on this site (Essentially 8.29 dwelling units per acre). The existing buildings were built prior to the adoption of the city multifamily design standards. The existing buildings may be required to make some changes to the exterior elevations as required by this conditional use. Any conditions placed on the existing buildings would have to be done to unify the project. The new apartment buildings measures approximately 13.5 feet tall where 25 feet is the maximum height in the RM zone. An apartment building is a conditional use in the 'RM' or Residential Multifamily zone. This property occupies a total of 1.31 acres of land. The General Plan designates this property as a high density residential use.

The applicant has supplied 32 parking spaces on site. The ordinance requires 34 parking spaces for this use. There are not currently covered parking spaces proposed for the new apartment buildings. The existing buildings have approximately one covered parking space per unit. There are not currently plans for signs for this site. Currently, an existing masonry wall is located on the east side of the property and a vinyl fence is located on the north side of the property. The applicant has also indicated that they are willing to fulfill the standards of the West Valley City Ordinance.

The property on every side of 4175 South 4800 West is zoned 'R-1-8' (Single Family Residential, minimum lot size of 8,000 square feet) and are designated Low Density Residential under the General Plan. As the surrounding uses are zoned and designated in the general plan as residential uses, and the site is currently used for multi-family housing, staff does not see this use adversely affecting neighbors or neighboring zones.

### **Planning Commission Concerns**

At the Study Session on April 2, 2008, the Planning Commission showed concern regarding the size of the porch provided for the proposed dwelling units. The minimum size required as part of the single family point system for new subdivisions and homes is 50 square feet (7-14-105(3)(l)(ix)). The Planning Commission felt that this would be an appropriate minimum for the size of the porch. There was also concern regarding the rear elevations of the proposed buildings as they front on well established subdivisions and homes. There was consensus that the rear elevations should meet the same standards as the primary façade in the multifamily design standards. The existing buildings show swamp coolers on the roofs of the building which are a concern to the aesthetics of the site; the applicant is in the process of removing the swamp coolers. The roofline for the apartment buildings is also of concern. The ordinance requires horizontal and vertical articulation in the roofline and the small gable over the porch area does not quite get at the intent of that ordinance (7-14-312(4)). In additions, there was concern regarding the existing buildings not implementing some of the aesthetic qualities the proposed apartments will use.

### **Recommendations/ Staff Alternatives**

- Approval 1 subject to any issues raised at the public hearing as well as the following conditions:

1. That vertical and horizontal roof treatment(s) be implemented on the proposed apartment buildings via additional gables and/or roof staggering.
  2. That the Public Works Department reviews the 7' easement and approves the necessary easement on 4800 West.
  3. That the parcels shall be consolidated with a subdivision plat prior to issuance of a building permit.
  4. That complete and revised development plans shall be submitted that are in compliance with all city ordinances and codes of all West Valley City departments.
  5. That the applicant shall submit a building permit application for signs desired on the site. All signs shall be in compliance with regulations for signs contained in Title 11 of the West Valley City Code.
  6. That a valid West Valley City Good Landlord License be reviewed and approved prior to any and all renting functions at this location and after all building permits and a certificate of occupancy have been reviewed and approved.
  7. That the Planning Commission reviews this application upon receipt of valid unresolved complaints.
- Approval 2 subject to any issues raised at the public hearing as well as the following conditions:
    1. The back yard/ patio area be fenced per unit with a minimum of a four foot vinyl or masonry fence that is compatible with the design of the apartment buildings.
    2. That a six foot masonry or vinyl fence be added to the south side of the project to aid in screening the future development in the R-1-8 zone.
    3. That the existing buildings shall be maintained and use similar colors as the rest of the development.
    4. That the existing buildings incorporate porches with a gable, similar to the porches proposed for the new apartments.
    5. That the existing buildings add shutters and/or window treatments that meet the West Valley City Multifamily Residential Design Standards that would also fit into the design of the proposed apartment buildings.
    6. That a minimum of one covered parking space per dwelling unit be implemented for the new apartment buildings.
    7. That vertical and horizontal roof treatment(s) be implemented on the proposed apartment buildings via additional gables and/or roof staggering.
    8. That the Public Works Department reviews the 7' easement and approves the necessary easement on 4800 West.
    9. That the parcels shall be consolidated with a subdivision plat prior to issuance of a building permit.
    10. That complete and revised development plans shall be submitted that are in compliance with all city ordinances and codes of all West Valley City departments.

11. That the applicant shall submit a building permit application for signs desired on the site. All signs shall be in compliance with regulations for signs contained in Title 11 of the West Valley City Code.
  12. That a valid West Valley City Good Landlord License be reviewed and approved prior to any and all renting functions at this location and after all building permits and a certificate of occupancy have been reviewed and approved.
  13. That the proposed apartment buildings use a minimum of 50 square feet for the unit porch areas.
  14. That the proposed apartment buildings use the multifamily design standards for the primary façade on the rear elevations.
  15. That no swamp coolers be placed on roofs in the apartment building community.
  16. That the Planning Commission reviews this application upon receipt of valid unresolved complaints
- Continuance, for resolution of any issues that may arise at the public hearing; and/or to review complete architectural elevations.

**Applicant:**

Jeff Condie  
4157 S. Colt Ct.  
West Valley City, UT 84120

**Discussion:** Hannah Thiel presented the application. Harold Woodruff asked Ms. Thiel to indicate which windows are boxed on the screen projector. Commissioner Matheson asked if a concrete, uncovered slab for the porch would meet the ordinance requirements. Ms. Thiel replied that the ordinance is not strict or specific on this matter. Ms. Thiel reviewed the building material and color for the project and clarified for Commissioner Mills that the building would not be 100% brick like some of the existing buildings. Commissioner Matheson asked if the parking meets the 9 foot space ordinance. Ms. Thiel replied that it does.

Jeff Condie, the applicant, explained that his father built the existing buildings on the land that his grandfather originally farmed. Mr. Condie explained that the time has come to complete the project and build more apartments. He stated that he wants to match the existing buildings but upgrade the look to something more modern. Mr. Condie also explained that he will update the existing buildings by replacing the roofs, removing swamp coolers, and putting in central air units and new furnaces.

Commissioner Matheson explained that one covered parking space for each of the new units would be a real plus. Jeff Condie replied that was the original plan and explained that it has been discussed and considered and will most likely happen. Mr. Condie also added that his family, who manages the apartments, is part of the good landlord program and stated that their turnover rate is very low because their

rent is very good. Mr. Condie explained that his family decided to go with a single story building to match the existing units. Mr. Condie presented the Planning Commission with photos taken 2 years ago and recent ones that depict improvements made on the existing units. Mr. Condie added that his family would like to keep area nice and continue managing.

Chairman Woodruff asked if the new buildings could be done in brick. Mr. Condie stated that he could take this into consideration but added that it would be difficult to do this for 12 units from a financial perspective. Commissioner Mills asked if these units will have basements. Mr. Condie replied no.

Chairman Woodruff stated that he would like the boxed windows to be eliminated, the overbuilds removed from the roof, and the porch extended. Hannah Thiel explained that the box windows are there to meet to Building Relief Treatments Ordinance requirements and a bigger porch would only meet the porch requirement if the Planning Commission states that the larger porch will meet the primary building façade Building Relief Treatments. Commissioner Fuller asked if the Planning Commission chose to continue the application, could the elevations come back in a study session. Nicole Cottle stated that the elevations can be brought back for review but no formal action can be taken in a Study Session.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

**Motion:** Commissioner Conder moved for approval subject to staff alternative number two, modifying number seven to state that the box windows be removed on the primary facades and the porch area be extended for each dwelling unit over that window. The larger porch area shall meet the Building Relief Treatments Ordinance requirements for the primary building façade. Item number 15 will also include central air units.

Commissioner Jones seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Jones	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

**Unanimous – C-11-2008– Approved**

**C-13-2008**

**Eagle Rock Motor Sports  
4649 West 3500 South  
C-2 Zone .57 Acres**

The applicant is requesting conditional approval for a motorcycle and recreational vehicle sales and service business at 4649 W. 3500 S. on an existing developed parcel.

Motorcycle and recreational vehicle sales and service is a conditional use in a commercial zone. The property is zoned general commercial (C-2) and the West Valley City General Plan designates this area as commercial uses.

The existing building is approximately 5,500 square feet and a little more than half of that will be used for the proposed business. There is a karate school in the front (north) portion of the building. The proposed business will have a shop area with multiple bay doors. The applicant is also requesting outside display of some of the motorcycles and ATV's they will be selling. He has submitted three proposals for this outside display:

1. An elevated platform twenty feet back from the front property line. This platform would be four feet tall, five feet wide and twenty feet long.
2. An elevated platform approximately ninety feet back from the front property line. This platform would be four feet tall, eight feet wide and thirty feet long.
3. A designated area in the northeast section of the parking lot twenty feet back from the front property line and approximately ten feet by thirty feet in area.

On the site visit by staff the asphalt of the parking lot was deteriorated in some areas and had potholes in others. Staff will recommend as a condition of approval that the parking lot be repaired and that all necessary parking stalls required for the two businesses on this site shall be re-stripped.

There has been some concern raised by the residents to the south of this commercial area about the potential noise from motorcycles and ATV's being repaired or displayed. While there is over 200 feet from this property to the closest residential use, staff feels that the noise could be a potential problem and will recommend as a condition of approval that no vehicles shall be operated outside the shop area other than what is necessary to move or deliver the vehicles.

No signage has been proposed for this business. Wall signs may be approved within the limits allowed by the West Valley City Sign Ordinance. A monument could possibly be approved if one of the curb cuts on 3500 South were to be eliminated and significant landscaping were added in its place.

**Staff Alternatives:**

- Approval, subject to the resolution of any issues raised at the public hearing, and the following conditions:
  1. Outside display of vehicles for sale shall be allowed only in the location and in the manner approved by the Planning Commission. This outside display shall only be during business hours.
  2. The deterioration of the parking lot and the potholes in the parking lot shall be repaired and all required parking spaces shall be re-striped prior to the operation of this business.
  3. There shall be no outside storage of vehicles waiting to be serviced or waiting to be picked up after servicing, nor shall there be any outside storage of vehicle parts or scrap.
  4. There shall be no outside repair of vehicles nor shall the engines of any vehicles be operated outside other than for the time required to move or deliver the vehicles for sale or repair.
  5. All wall signs shall meet the requirements of the West Valley City Sign Ordinance and any other new signage shall be reviewed and approved by the Planning Commission prior to installation.
- Continuance, to allow for the resolution of any issues raised at the public hearing.

**Applicant:**

David Sholes  
3611 S. 7515 W.  
Magna, UT 84044

**Opposed**

Barbara Arden  
3549 Villa View Dr.  
WVC, UT 84120

**Opposed**

Norma Fisher  
4666 Villa View  
WVC, UT 84120

**Opposed**

Andrew Coy  
3589 S. Villa View Dr.  
WVC, UT 84120

**Discussion:** Ron Weibel presented the application. Commissioner Jones asked if there is a sound barrier on the residential area behind the proposed business. Mr. Weibel explained that there is a concrete/masonry wall but this is not sound proofed. Commissioner Mills asked if there is any landscaping at this wall. Mr. Weibel replied that there isn't.

The applicant, David Sholes, stated that the machines and units he primarily sells are buffered and very quiet. Mr. Sholes added that anything loud would be conducted inside and this will be very rare. Commissioner Matheson asked if a compressor would be used inside the building. Mr. Sholes replied that there is a compressor with a 150 PSI capability that will be run inside. Chairman Woodruff asked if the proposed ramps are open underneath. Mr. Sholes replied that they are and added that the ramps are made out of Redwood so they are aesthetically pleasing.

Barbara Arden, a neighbor living directly behind the proposed business in the Valley Vu senior citizen community, expressed her concern. She stated that there are already numerous automotive repair companies that make unbelievable noise throughout the day and night. Ms. Arden stated that an item cannot be sold without it being tested in the parking lot and this is what causes so much continuous noise. Ms. Arden added that she has called the police numerous times but nothing has been fixed. She also expressed that there is a fence separating the properties but this fence is by no means a sound barrier.

Norma Fisher, another neighbor living in the community, also expressed her concern about another motorcycle repair center bordering their property. Ms. Fisher expressed her need for peace and quiet and restated that engines will need to be tested in the parking lot and this will add to the noise that is already existing.

Andrew Coy, another neighbor living in the Valley Vu senior citizen community, expressed his frustration that the noise level in this area occurs day and night. He added that a sound barrier is needed to absorb all the noise and people driving on 3500 South wouldn't care because they are simply passing through the area, not living in it. Mr. Coy added that he understands in modern times noise is going to exist but stated that his community needs some help to gain some level of quiet and rest.

Nicole Cottle stated that code enforcement will look into the existing businesses and will get the problem fixed. Mr. Weibel clarified that he has not personally received any complaints but he doesn't want to minimize the concerns of the residents. These types of problems go to code enforcement or the police department. Commissioner Matheson questioned if the 11 o'clock noise ordinance is in place. Ron Weibel explained that it's either 10 or 11 at night and the existing businesses, where the problem exists, is where enforcement needs to take place.

Barbara Arden explained that the Billiards is on 3500 South and behind this are 2 more levels of businesses. It is behind the Billiards where the problem is existing. Andrew Coy agreed and expressed further concern about a previous owner.

Chairman Woodruff stated that he is not familiar with the applicant's product. David Sholes explained that the decibel on the most powerful machine is only 10 decibels higher than human voice. Mr. Sholes added that he sympathizes with the neighbors but the units that he will be selling are all muffled. Commissioner Mills asked if the applicant prefers to have a ramp. Mr. Sholes stated that he is open to anything but a ramp would give him some visibility from 3500 south and added that no more than 4 vehicles will be displayed at once. Commissioner Fuller asked if the neighboring property owner had any concern with the ramp or parking being placed on their property. Mr. Sholes stated that the property owner has no objection because he made an arrangement to share a dumpster. Commissioner Matheson stated that it may be a good idea to specify that the business closes at 6 o'clock.

Commissioner Mills stated that the noise problems seem to be an issue with the existing businesses and doesn't seem like it will be a problem with this one. Commissioner Mills added that she prefers the third display option to advertise items on the asphalt rather than a ramp. Commissioner Matheson questioned if a restriction should be placed on business hours. Commissioner Fuller stated that the applicant has already informed the Planning Commission of his intended hours and added that he doesn't feel a restriction is necessary. Commissioner Matheson stated that this business won't add to the sound problem but now that the City is aware of noise issues in this area, it should be monitored and corrected.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

**Motion:** Commissioner Matheson moved for approval subject to the 5 staff conditions and adding a sixth condition that no air compressors will be operated outside of the building and adding a recommendation that no display ramp be built.

Commissioner Conder seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Jones	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

**Unanimous – C-13-2008– Approved**

**PLANNING COMISSION BUSINESS**

Approval of minutes from March 19, 2008 (Study Session) **Approved**

Approval of minutes from March 26, 2008 (Regular Meeting) **Approved**

There being no further business, the meeting adjourned at 6:13 p.m.

Respectfully submitted,

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Nichole Camac, Administrative Assistant